

Amendment and Remarks

Remarks

Applicants, through their attorney, respectfully request the Examiner to reconsider and withdraw the outstanding rejections of the claims for the reasons set forth below.

The Examiner rejected claims 1, 2, 5-20 and 22-24 under 35 U.S.C. § 103(a) as being unpatentable over Higton, et. al., (6,310,010). The Examiner has withdrawn the allowance of claims 11-22 based upon further consideration of Higton. The Examiner also maintains the position that Higton meets the limitations of the claims when the dispersant, detergent and antioxidant combination in a package forms a gel and that although reducing the emissions is not taught by Higton, it is inherent because Higton teaches that gels are suitable for use in lubricants for gasoline and diesel engines. Applicants respectfully disagree.

Applicants have amended claims 1, 11 and 22 to require the weight ratio of component A to component B (A:B) to be from about 1:4 to about 1:1. Support for these amendments may be found on page 6, lines 17-27 of the specification. When component A of the claimed invention is a dispersant, component B is a detergent, and component C is an antioxidant, resulting in the combination the Examiner objects to based on Higton, this additional limitation ensures the weight ratio of dispersant to detergent is from about 1:4 to about 1:1. In contrast, the disclosure in Higton is limited to weight ratios of dispersant to detergent of about 8:1 to 1:1. See col. 3, lines 43-45. The reference does not disclose, suggest or teach the ratios required by the claimed invention, therefore the 103(a) rejections based on Higton should be removed.

Applicants further emphasize that the disclosure in Higton is focused on liquid concentrates of lubricating oil compositions. The mention of gels in the background of the reference is limited to discussing the problems gels pose in the applications Higton is concerned with. The disclosure in Higton of suitable components for liquid concentrates of lubricating oil compositions is not a disclosure of suitable components for making gels. Rather the reference focuses on avoiding gelation, and in fact minimizing any viscosity increase as much as possible. Therefore, as the reference does not disclose, suggest, teach or motivate a person skilled in the art to prepare any gel compositions, but rather liquid concentrates for lubricating oil compositions, Applicants respectfully request all rejections based on Higton be removed.

In regards to process claims 11-22, for which the Examiner has withdrawn the allowance made in the previous office action, and in addition to the amendments made to

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claims 11 and 22 discussed above, Applicants point out that even if Higton discloses some gel compositions, the reference does not disclose, suggest or teach any use of such compositions other than use as concentrates of lubricating oil compositions, where such compositions are used to blend final lubricating compositions. There is nothing in the reference to suggest that gel compositions could provide a controlled release of one or more additives to an operating engine lubricating system, that such release could be modified and controlled by the formulation of the gel compositions, and that such gel compositions could be used to decrease emissions. These valuable and novel uses of gel compositions are surprising results over the prior art, including Higton, where gel compositions, and any compositions that show any significant viscosity increase, are simply handling problems to be avoided in the blending and transporting of lubricating compositions. Therefore claims 11-22, directed at a process for using gel compositions in engine lubricating systems resulting in reduced engine emissions, are non-obvious over Higton and Applicants respectively ask that the Examiner remove the rejections.

For the reasons set forth above, Applicants' present invention as claimed is novel and not obvious over the reference. Applicants respectfully request the Examiner to remove the 35 USC 103(a) rejections and find all claims allowable.

If any fees are due, the Commissioner is authorized to charge such fee to The Lubrizol Corporation Deposit Account No. 12-2275. A duplicate copy of this document is submitted for such purposes.

Respectfully submitted,
THE LUBRIZOL CORPORATION

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